

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10064 of 2018

Arising Out of PS. Case No.-489 Year-2017 Thana- RAJAUN District- Banka

Buteli Mandal @ Uttam Kapri S/o Sadho Kapri, R/o Village- Fatehpur, P.S.-
Salempur, and District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madan Mohan

For the Opposite Party/s : Smt. PUSHPA SINHA

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-02-2018 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Rajaun P.S. Case No. 489 of 2017 registered for the offence punishable under Sections 302, 201, 120(B) and 34 of the Indian Penal Code.

The case of the prosecution is that the petitioner had hired the auto-rickshaw which was being driven by the deceased and on the next day, the dead body of the auto driver was found.

The learned counsel for the petitioner submits that there is no evidence to suggest any motive on the part of the petitioner to kill the auto-rickshaw driver or to suggest any complicity of the petitioner herein with the alleged occurrence. The petitioner is stated to be having a clean antecedent.

Having regard to the facts and circumstances of the case, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail. Accordingly, the above named petitioner in the



event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 489 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioner shall join investigation and would be present at the place where the investigating agency directs the petitioner to be present. It is clarified that if the prosecution finds that the petitioner is not cooperating in investigation then it would be free to move this Court for cancellation of the bail. It is further directed that the petitioner shall mark his presence before the Officer-in-Charge of the concerned police station at 10 A.M. on every Monday and in case of failure to do so on two consecutive occasions, the present privilege of bail shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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